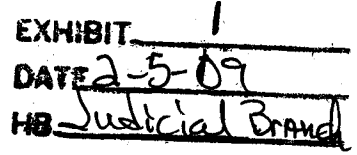


# Custodian of the Court Record



## **MONTANA JUDICIAL BRANCH**

### **Budget Quick Facts**

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- ☐ FY 2008 base budget: \$34.0 million (all funds)
- ☐ Funding source:
  - General fund: 94%
  - State Special Revenue: 5%
  - Federal Special Revenue: 1%
- ☐ Judicial Branch funding as percentage of statewide budget (all funds): less than 1%
- ☐ Total number of Branch employees: 397
  - Percent residing outside Helena: 78%
- ☐ CY 2007 case filings by court:
  - Supreme Court: 774
  - District Court: 44,346
  - Courts of Limited Jurisdiction: 279,036
- ☐ Funding entity:
  - Supreme Court: State
  - District Courts: State for all costs except courthouse and office space
  - Courts of Limited Jurisdiction: City or county except for judges' training and information technology support (case management system, computers, connectivity)
- ☐ FY 2008 IT surcharge revenue to general fund: \$1.6 million
- ☐ Date of state assumption of District Court expenses: July 1, 2002
- ☐ Date public defender function transferred to Executive Branch: July 1, 2006
- ☐ Number of budget programs: 6
  - 01 -- Supreme Court Operations
  - 02 -- Boards and Commissions
  - 03 -- Law Library
  - 04 -- District Court Operations
  - 05 -- Water Courts Supervision
  - 06 -- Clerk of Court

**JUDICIAL BRANCH**  
**Response to LFD Budget Issues and Comments**  
**Submitted to Joint Subcommittee on Judicial Branch, Law Enforcement, and**  
**Justice**  
**February 5, 2009**

**SUMMARY**

***LFD Comment – Page D-2: Funding for Court Automation***

Funding for court automation was approved by the legislature as part of the long range planning process and was included in House Bill 4 of the May 2007 special session rather than the general appropriations act. Additional information is included in this narrative following the personal services discussion.

***Judicial Branch Response:***

Section 3-1-701, MCA, requires the court administrator to report at the beginning of each regular legislative session to the House Appropriations subcommittee that considers general government on the status of development and procurement of information technology within the Judicial Branch. The Judicial Branch Information Technology Status Report will be distributed to the Judicial Branch, Law Enforcement, and Justice Subcommittee. (A copy also will be provided to the General Government Subcommittee.)

***LFD Issue – Page D-3: Measurable Objectives Not Provided***

The goals above, while based upon the Constitution, do not include measurable objectives. Measurable objectives provide the reader an idea of how the goals will be met and should include information about how and when progress toward the goal will be measured. Measurable objectives should be specific, measurable, achievable, relevant and time-based (SMART) and are a tool that can be used by the legislature to determine how funding provided to the branch is used to achieve results. Since the legislature has an obligation to fund the constitutionally delegated duties of the Judicial Branch, the legislature may wish to discuss with the branch how funding included in the budget correlates with these goals and how the branch measures progress toward their achievement. The legislature may also wish to discuss with the branch the development of measurable objectives related to branch goals.

***Judicial Branch Response:***

In September 2007, the Supreme Court embarked on a project to develop and implement a set of measures to gauge its performance and, on that basis, to try to improve performance. With technical assistance from the National Center for State Courts, the Supreme Court started with a national model for measuring performance called *Appellate CourtTools*, and adapted it to better fit Montana and the Court's dual appellate and original jurisdiction. In December 2008, the Court adopted the following five measures of performance: (1) a survey of users (i.e., trial bench, appellate bar, and law school teaching faculty); (2) on-time case processing; (3) case clearance and productivity; (4) age of pending caseload; and (5) an employee survey. Application of each measure has resulted in baseline data. The measures will be repeated periodically.

By analyzing this data, the Supreme Court is able to identify areas where it is doing well and areas where improvement may be warranted. Armed with this information, the Court can focus its efforts and resources on problem areas and implement appropriate strategies for improvement. For example, in an effort to reduce the amount of time it takes to dispose of cases, the Court has decided to use four-member, rather than five-member, panels to handle most cases. The use of four-member panels will reduce the number of cases assigned to each justice, thereby freeing up time for opinion writing and other judicial matters. Additionally, the Court is seeking to accelerate the process by revising the Rules of Appellate Procedure in several areas, including reducing the length of extensions granted for filing cost records and shortening the size of briefs.

A parallel performance measurement project, approved by the District Court Council, is underway for the District Courts across the state.

***LFD Issue – Pages D-6, D-7: Level of Juvenile Placement Appropriation***

Figure 2 summarizes revenues and expenditures for this account. It also provides information on the level of appropriation provided to the Department of Corrections for juvenile placements. As illustrated in the table, revenues into the fund averaged \$2.1 million each year between FY 2005 and 2008, while expenditures averaged \$1.1 million or about \$1.0 million less than the revenue into the account. While revenues have been close to or in excess of \$2.0 million each year, FY 2008 is the first year expenditures have been at this level. This excess of revenue inflow when compared to expenditure outflow results in an ending balance that is growing over time. As of the date of this writing the cash balance in the Youth Court Intervention and Prevention Account was \$3.6 million. Because the source of the funds for this account is general fund appropriated to the Department of Corrections for juvenile placements and on average about \$2.1 million per year of the appropriation is being transferred to this account, the question becomes what level of funding does the legislature wish to appropriate for juvenile placements, realizing that funds not spent on placements are transferred to this account used to support prevention and intervention programs.

<p align="center"><b>Figure 2</b>  <b>Judicial Branch</b>  <b>Youth Court Intervention and Prevention Account</b>  <b>Fund 02151 - Statutorially Appropriated per 41-5-2011(2), MCA</b></p>				
Fiscal Year	Revenue	Expenditures	Difference	Appropriation*
2005	\$2,099,025	\$683,909	\$1,415,116	\$7,682,757
2006	1,897,479	632,447	1,265,032	7,542,344
2007	2,337,641	1,186,278	1,151,363	7,542,344
2008	2,124,915	2,012,568	112,347	6,038,021
Annual Ave.	\$2,114,765	\$1,128,801	\$985,965	\$7,201,367
<p>*Notes  Appropriation represents the amount appropriated by the legislature to the Dept. of Corrections for juvenile placements.  In FY 2006, \$1.5 million was transferred from juvenile placement funds to other areas in the Dept of Corrections to partially offset expenditures in excess of appropriations. The department did not request and the legislature did not increase juvenile placement funds to the previous funding level.</p>				

As part of the deliberations related to juvenile placement funding appropriated to the Department of Corrections, the legislature may wish to consider the purposes of the Juvenile Delinquency Intervention Act (Title 41, Part 20) that established the Youth Court Intervention and Prevention account. The purposes of the act are to:

- o Provide an alternate method of funding juvenile out-of-home placements, programs, and services
- o Increase the ability of youth courts to respond to juvenile delinquency through early intervention and expanded community alternatives
- o Enhance the ability of the youth courts to control costs
- o Enhance community safety, hold youth accountable, and promote the competency development of youth
- o Use local resources for the placement of troubled youth, when appropriate and available
- o Reduce placements in out-of-state residential facilities and programs
- o Use state youth correctional facilities when appropriate

The legislature may also wish to request that the Judicial Branch and Department of Corrections provide a coordinated plan indicating goals and measurable objectives for juvenile placement funds and fund transferred to the state special revenue account, including an estimate of the funding needed to achieve the proposed goals and measurable objectives. The legislature could then determine which goals and objectives it wished to support and provide a level of funding that supports their achievement.

***Judicial Branch Response:***

The issue identified above is that revenues transferred to the Youth Court Intervention and Prevention Account, which is administered by the Office of Court Administrator, exceeded annual expenditures. This analysis, however, does not take into account that the Juvenile Delinquency Intervention Act allows funds transferred into the account at the end of a fiscal year to be spent over the next two fiscal years. As indicated in the following table, the amount of unexpended funds at the end of each two-year period for fiscal years 2004 through 2006 ranged from \$305 to \$27,784.

**Youth Court Intervention and Prevention Account Transfers, Expenditures, and Reversions  
FY 2004 through FY 2008**

Fiscal Year	Amount Transferred	Amount Expended	Amount Unexpended (Reverted to General Fund)
2004 (Spend through FY 06)	\$924,808	\$906,012	\$18,796
2005 (Spend through FY 07)	\$1,205,396	\$1,177,612	\$27,784
2006 (Spend through FY 08)	\$1,874,748	\$1,874,443	\$305
2007 (Spend through FY 09)	\$2,329,194	N/A	N/A
2008 (Spend through FY 10)	\$2,099,916	N/A	N/A

A judicial district may not expend its annual allocation from the Youth Court Intervention and Prevention Account on a placement, service, or program unless the district has an approved plan that identifies at least two outcome measures to assist in evaluating the effectiveness of the placement, service, or program. If a district intends to continue a placement, service, or program into the next fiscal year, it must submit data from the outcome measures. The results of the outcome measures are considered in reviewing the plan.

## **PROGRAM 01 – SUPREME COURT OPERATIONS**

### ***LFD Comment – Page D-9: Status of Pro Se Law Clerk Position, Self-Help Law Program, and Drug Court Funding***

The legislature may wish to receive updates on the status of these three items and review the reports of initial review and evaluation. The legislature may also wish to review and consider the proposed 2011 biennium goals and performance measures for these programs when making appropriations decisions. Funding for the pro se law clerk and drug courts is included in the base budget for this program and the Self-help Law Program is included as a new proposal in decision package 1006 since the 2009 biennium funding was a one-time-only appropriation. Only \$326,202 of the \$1,345,000 biennial general fund appropriation for drug courts was expended in FY 2008 and is included in the base (or total funding of \$652,404 general fund for the 2011 biennium).

### ***Judicial Branch Response:***

The three items listed above were monitored during the interim by the Legislative Finance Committee.

- Pro Se Law Clerk. FY 2008 statistics associated with the position have demonstrated that the position has achieved its objectives. Statistics for FY 2009 and beyond will be collected and analyzed.
- Self-Help Law Program: The program report/evaluation for the first 18 months of the program will be provided to the Judicial Branch, Law Enforcement, and Justice Subcommittee.
- Drug court funding. The drug court program evaluation will be distributed to the Judicial Branch, Law Enforcement, and Justice Subcommittee.

### ***LFD Issue – Page D-10: Lack of Statutory Guidance***

During the 2007 session bills were introduced to establish and fund a self- help law program and to provide general fund support for drug treatment courts. However, these bills did not become law. Rather, funding and language related to the use of that funding was incorporated into the appropriations act. Because the appropriations act is a temporary statute, language governing the use of these funds and programs ceases to exist at the end of the 2009 biennium. The legislature may wish to pursue legislation to establish and provide guidance for the Self-help Law Program, use of general fund support for drug treatment courts, and collection of data that can be used in determining program accomplishments and performance measurement. In the absence of such legislation, legislative staff recommends that language related to these appropriations and programs be included in the appropriations act. Prior language contained provisions such as:

- Limiting the use of general fund support for drug treatment courts to:
  - Providing grants to drug treatment courts
  - Up to one full-time administrator
  - Ongoing review of the operations of drug treatment courts
  - Development of policies necessary to administer the provision of grants to drug treatment courts
- Limiting the use of funds for the Self-Help Law Program to:

- Provision and support the development, maintenance, and availability of self-help legal forms and instructions regarding civil legal proceedings in Montana's courts
- Development of curriculum and materials suitable for classes and clinics about civil legal proceedings and forms
- Development, updating, and provision of information and training materials for judges, clerks of court, other court officers, judicial branch employees, and volunteers about self-help legal resources and how to assist self-represented litigants in a manner that is impartial, facilitates effective and efficient court operations, and does not constitute providing direct legal representation
- Establishment and maintenance of multimedia materials that provide information about Montana's civil laws, courts, rules, legal forms, and available legal resources
- Coordination, recruitment, and training of volunteer attorneys to provide legal advice and direct legal representation to persons with civil legal needs who are unable to pay for those services
- Coordination and cooperation with other access to justice efforts

The legislature may wish to:

- Request a committee bill establishing, providing guidance for, and requiring development of and reporting regarding measurable benchmarks and outcomes for the Self-help Law Program
- Request a committee bill providing guidance regarding the use of general fund appropriated for drug courts, collection of data, and measurement of program outcomes
- Consider and adopt a motion and language for inclusion in the appropriations act that provides guidance on the use of funds appropriated for these two purposes

### ***Judicial Branch Response:***

The 2009 biennium drug court funding is being expended in accordance with the appropriation language contained in HB 2 from the 2007 session. In addition, the Supreme Court has approved a policy developed by the District Court Council providing further guidance on distribution of the funding. Last interim, the Law and Justice Interim Committee, which monitors activities of the Judicial Branch, considered whether additional statutory guidance was needed for expenditure of drug court money and chose not to request legislation to do so. Also during last interim, the Judicial Branch periodically reported on the status of the drug court funding to a performance measurement subcommittee of the Legislative Finance Committee. The subcommittee expressed no concerns about the spending of the drug court funding. Given the level of legislative direction to and oversight of this program, it would appear that statutory guidance would be unnecessary and duplicative.

The Self-Help Law Program, which provides services to people who represent themselves in civil matters, was implemented in compliance with the extensive appropriation language contained in HB 2 from the 2007 session. Also during last interim, the Judicial Branch periodically reported on the status of the program implementation to a performance measurement subcommittee of the Legislative Finance Committee. The subcommittee expressed no concerns about the implementation of the program. If the branch's request for continued funding for this program is approved, the branch does not intend to make substantial changes to the program. Given the level of legislative direction to and oversight of this program, it would appear that statutory guidance would be unnecessary and duplicative.

### ***LFD Comment – Page D-13: FY 2008 Expenditures of Self-Help Law Program***

Of the \$505,000 biennial appropriation (\$252,500 a year) for the 2009 biennium, \$171,354 was

expended in FY 2008. Please refer to the section of the program discussion above titled 2009 Biennium Major Goals for more information on the goals and measurable objectives of this project that were monitored during the interim.

***Judicial Branch Response:***

The branch spent slightly less than half of the appropriation in FY 2008. It took several months to establish the two centers, the forms contract, and the eight smaller programs located throughout the state. The branch expects to expend the balance of the biennial appropriation in FY 2009. The full program report/evaluation will be distributed to the Judicial Branch, Law Enforcement, and Justice Subcommittee.

***LFD Issue – Page D-14: Statutory Guidance for Self-Help Law Program***

Please refer to the LFD issue under the program discussion for information regarding the lack of statute providing for or guiding the operations of the Self-help Law Program.

***Judicial Branch Response:***

Please see Judicial Branch response on page 5.

**PROGRAM 02 – BOARDS AND COMMISSIONS**

***LFD Issue – Page D-16: Training Objectives Lack Measurement***

Goals and objectives should be specific, measurable, achievable, relevant and time-based (SMART). It is unclear how the objectives for this goal can measure that the training is comprehensive, up-to-date, and whether or not it meets the needs of both law-trained and lay judges. The legislature may wish to request that more information be provided regarding measurement of achievement of comprehensive, up-to-date training that meets the needs of limited jurisdiction court judges.

***Judicial Branch Response:***

The statutorily required training for judges in the Courts of Limited Jurisdiction is managed by the Supreme Court Commission on Courts of Limited Jurisdiction. The Commission has several standards to measure the quality of training. All judges are requested to evaluate the twice-yearly judges' training. The Commission seeks to have a "good" or above ranking on the majority of evaluations. The Commission seeks to provide training on 50 percent or more of the topics requested by judges within a 2-year period.

Newly appointed judges are required to take and pass a certification test within six months of taking office. The Commission seeks to achieve a 100% pass rate on that test through tutoring and direct assistance to new judges.

Finally, all judges are required to complete the certification test every four years. The Commission seeks to achieve a 100% pass rate on the certification test, which is scheduled again for Fall 2010.



### **PROGRAM 03 – LAW LIBRARY**

#### ***LFD Comment – Page D-19: Objective Not Measureable***

Goals and objectives should be specific, measurable, achievable, relevant, and time-based (SMART). In general, the goal and objectives above meet these criteria. However, the objective to position new titles in a prominent place in the library does not indicate how often this will be monitored or what qualifies as a “prominent” place.

#### ***Judicial Branch Response:***

New titles are placed on a 5 foot high, double-sided display rack that is positioned 25 feet from the entrance to the law library. It has a sign on the top that reads “NEW TITLES: CHECK THESE OUT”; the white letters are 2 inches high, on a black background. They can be read from 35 feet away. The display holds 16 books, eight on each side, that are positioned with the front forward, not the spine. This allows for placement of a variety of new titles to attract interest. Books are replaced as new ones arrive, generally bi-monthly. Topics on display now include common law marriage, property rights in Indian County, insurance and tort law reform, policing terrorism and criminal tax fraud. There also are individual book displays on the reference desk, which is placed 12 feet from the library’s entrance.

### **PROGRAM 05 – WATER COURTS SUPERVISION**

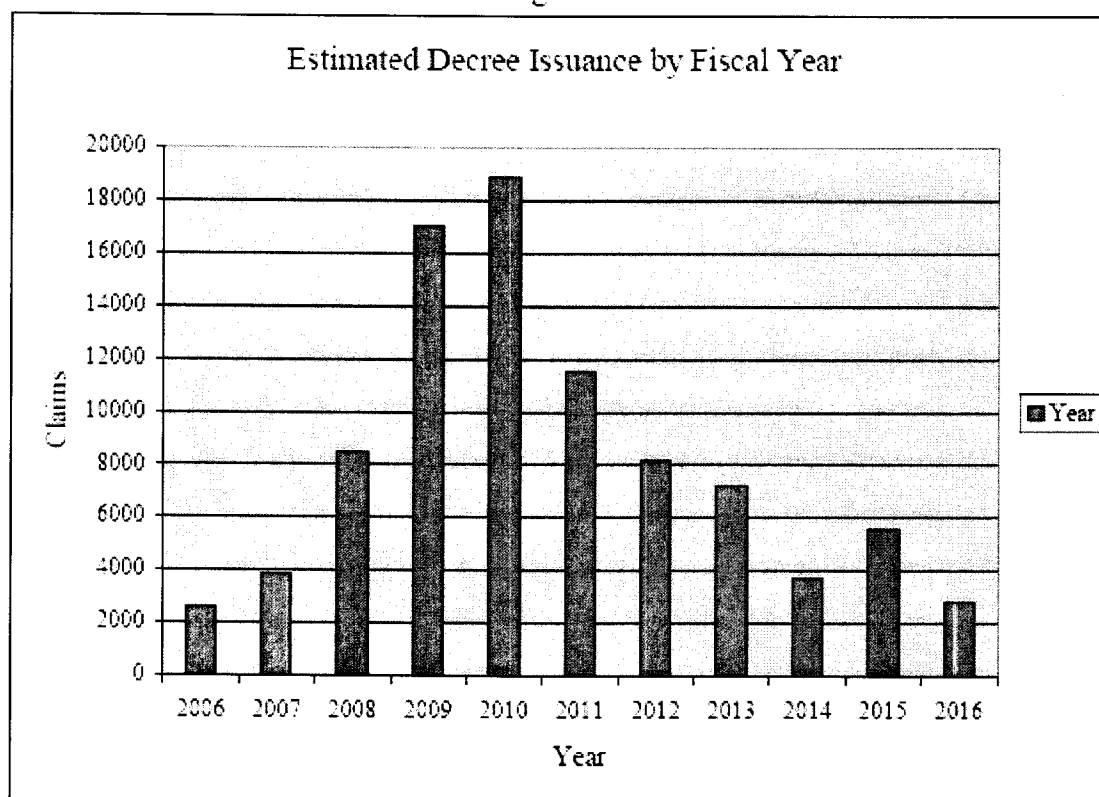
#### ***LFD Issue – Pages D-28, D-29: Lack of Benchmarks***

The 2005 Legislature took actions to significantly accelerate the adjudication of water claims. Figure 3 illustrates the court’s estimate of the number of claims to be adjudicated that are included in the decrees to be issued each fiscal year. The court’s estimate is based upon the following assumptions:

- o An objection and issue remark rate of 64 percent, not including certification or motions to amend claims
- o Department of Natural Resources and Conservation meeting its examination and summary report issuance goals
- o Quick resolution of marshalling exam issue and no new adjudication wide exam or other adjudication issues
- o Unresolved federal and Indian reserve water rights currently being negotiated are not included
- o Compliance with 1989 and 1993 legislative mandates to reopen and review decrees pursuant to 85-2-237, MCA is not included
- o That the water court and DNRC maintain current staffing levels and adequate budgetary resources to complete their assigned tasks

The annual number of claims to be adjudicated (based upon decrees to be issued) builds between FY 2006 and FY 2010, with the largest number of claims occurring in FY 2010. Between FY 2011 and 2016 the number of claims to adjudication (based upon decrees to be issued) declines. The court estimates that once a decree is issued it takes about two years before statutory and procedural processes are complete and court staff can begin actively working on the claims in those decrees, meaning that work on the claims to be adjudicated in FY 2009 and 2010 will be available for court staff to actively work on beginning in FY 2011 and 2012.

Figure 3



While much of this workload will initially impact water masters employed by the court, the water adjudication process may be viewed as a funnel. Once water masters have completed their work the next step of the process funnels the workload to judges. The Water Court has one chief judge and four division water judges. Three of the division water judges are sitting District Court judges who are also responsible for the normal workload of a District Court. The fourth division judge is a retired district court judge who has indicated his intent to retire as water judge in 2009 at the end of his term. Because of these constraints, the majority of the workload is assigned to the chief water court judge. As the adjudication process accelerates, the potential for a backlog of work at the water master level increases and at the judges' level seems inevitable. At the time legislation accelerating water adjudication was passed and approved, benchmarks for processing by the Department of Natural Resource and Conservation (DNRC) were included in law. However, no such benchmarks were established for the Water Court. Given the increase in workload that is now being sent to the court, the legislature may wish to recommend that the Environmental Quality Council (EQC) review benchmarks and time frames for completion of water claims adjudication by water masters and water court judges.

#### ***Judicial Branch Response:***

The Water Court fully understands the legislature's concern about the progress of Montana's state-wide water rights adjudication effort. Over the last few years, the Water Court has been developing processes to capture data to predict its future progress. The LFD's bar graph, set forth above, reflects some of that data. After the Water Court's budget is finalized during this legislative session, the court will provide the EQC with updated predictions. As time unfolds, it is hoped and assumed that each report to the EQC will be refined and become increasingly more accurate.

The imposition of mandatory benchmarks and time frames on the Water Court was considered by the legislature during the enactment of Section 85-2-270-271, MCA. During one of the legislative hearings, the issue of Water Court benchmarks was raised by a committee member. The legislative staff response was that the separation of powers doctrine precluded the statutory imposition of such time lines. Illustrative of the separation of powers doctrine is the Supreme Court decision of *Coate v. Omholt* (1983), 203 Mont 488, 492, 662 P.2d 591. In that decision, the Montana Supreme Court concluded that the separation of powers provision of Article III, Section 1 of the 1972 Montana Constitution prohibits the legislature from imposing time limits on judicial decision making.

## **PROGRAM 6: CLERK OF COURT**

### ***LFD Issue – Page D-33: Term Efficiently Lacks Definition***

Goals and objectives should be specific, measurable, achievable, relevant, and time based (SMART). The goal as stated above is difficult to measure because the term “efficiently” is not defined. This goal and objective could be strengthened by the addition of information that defined “efficiently”.

### ***Judicial Branch Response:***

In response to the LFD issue, a primary goal of the Clerk of the Supreme Court is to provide service by efficiently handling legal cases at the Supreme Court. The Clerk defines “efficient” to mean timeliness with a minimum of waste, expense and duplication of process. Adherence to time lines set forth in Title 25, Chapter 21, MCA, the Rules of Appellate Procedure, and in the Supreme Court Internal Operating Rules provide the measure against which the Clerk determines if the office is handling cases in a timely fashion. The Clerk utilizes **C-Track**, a web-based case management system (CMS), to track the due dates prescribed in the rules, assign staff responsibility and accountability and to monitor overall workflow. This is an ongoing goal and is measured by periodic review of both the rules, and the functionality of the case management system, to determine if efficiencies can be gained. In the last biennium, the Rules of Appellate Procedure were revamped in part, in an effort to streamline the appellate process. Furthermore, **C-Track** was enhanced to allow service of electronic copies of Supreme Court opinions and orders to appellate counsel. In the fall of 2008, the Clerk engaged in pilot projects with the offices of the Attorney General and Appellate Defender and is now offering this electronic service to the rest of the Montana Bar. Reviews of the rules and the CMS have been scheduled in June of each year of the biennium.

Also in response, the Clerk notes that the full text of objectives and goals submitted to the LFD included two other goals which were left out of the budget analysis. Among other things, the omitted goals and objectives further address the Clerk’s efforts toward electronic service of opinions and orders, a public view docket, and a statewide e-filing project, in which the issue of records retention is also addressed. Taken as a whole, the legislature would have a better sense of the Clerk’s goals and the manner in which these goals are measured to determine progress. *(The Clerk will have the full text of the goals and objectives available at the time of the subcommittee hearing).*

Judicial Branch 2011 Biennium Budget Proposals												
Program	Present Law (PL) or New Proposal (NP)	Decision Package Number	LFD Analysis Page Number	Package Name	FY 2010 Cost	FY 2011 Cost	Biennium Cost	Type of Funding	FY 2010 FTE	FY 2011 FTE	Judicial Branch Goal	Measurable Objectives (Measurements will be provided for FY 2010 and FY 2011 as applicable)
02-Boards and Commissions	PL	2001	D-17	Judicial Standards Commission (Restricted/Biennial)	22,762	0	22,762	GF	0.00	0.00	<ul style="list-style-type: none"><li>To increase the public's trust and confidence in Montana courts</li><li>To preserve judicial independence</li></ul>	<ul style="list-style-type: none"><li>Number of judicial standard complaints requiring the services of a paid investigator and cost for these services</li></ul>
02-Boards and Commissions	PL	2002	D-17	Judges' Training -- Increase State Special Spending Authority	45,994	45,994	91,988	SSR	0.00	0.00	<ul style="list-style-type: none"><li>To increase the public's trust and confidence in Montana courts</li><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>Number of judges ranking the twice-yearly judges' training as good or above on evaluations</li><li>50% or more of the training topics requested by judges delivered within a 2-year period</li><li>100% pass rate on mandatory certification test for newly appointed judges 100% pass rate on mandatory certification test for all judges in Fall 2010</li></ul>
04-District Court Operations	PL	4003	D-25	Youth Probation Fees -- Increase State Special Spending Authority	75,600	100,000	175,600	SSR	0.00	0.00	<ul style="list-style-type: none"><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>Number of youth receiving services through programs and equipment funded by fees</li><li>Number of juvenile probation officers receiving required training funded by fees</li></ul>
04-District Court Operations	PL	4004	D-25	Accrued Leave Payouts -- Increase State Special Spending Authority	53,903	53,903	107,806	SSR	0.00	0.00	<ul style="list-style-type: none"><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>Number and amount of payouts made for terminating or retiring District Court employees</li></ul>
04-District Court Operations	PL	4005	D-25, D-26	Call in Retired Judges (Restricted/Biennial)	80,878	0	80,878	GF	0.00	0.00	<ul style="list-style-type: none"><li>To provide justice without unreasonable delay;</li><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>Number of retired judges called to service</li><li>Number of cases that are not rescheduled due to calling in a retired judge</li></ul>
04-District Court Operations	NP	4001	D-26	Minimum Staffing for District Court Judges	190,103	179,752	369,855	GF	4.00	4.00	<ul style="list-style-type: none"><li>To provide justice without unreasonable delay;</li><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>A court-based performance measurement system specific to case processing and court users' satisfaction is currently in development under the direction of the District Court Council</li></ul>
05-Water Courts Supervision	PL	5001	D-30	Water Court Rent Increase	4,543	6,917	11,460	SSR	0.00	0.00	<ul style="list-style-type: none"><li>To increase the public's trust and confidence in Montana courts</li><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>Date water court budget is finalized and contractual obligation is fulfilled by payment of rent increase</li><li>The rent increase begins on May 1 of each year</li></ul>
05-Water Courts Supervision	PL	5002	D-30, D-31	Water Court Office Expansion	15,876	16,349	32,225	SSR	0.00	0.00	<ul style="list-style-type: none"><li>To increase the public's trust and confidence in Montana courts</li><li>To provide excellence in service</li></ul>	<ul style="list-style-type: none"><li>Date water court budget is finalized</li><li>The lease for the additional space has been executed</li><li>If the court budget does not contain sufficient funds for the expansion, the lease will be terminated by June 30, 2009</li></ul>

# Judicial Branch 2011 Biennium Budget Proposal

Program	Present Law (PL) or New Proposal (NP)	Decision Package Number	LFD Analysis Page Number	Package Name	FY 2010 Cost	FY 2011 Cost	Biennium Cost	Type of Funding	FY 2010 FTE	FY 2011 FTE	Judicial Branch Goal	Measurable Objectives (Measurements will be provided for FY 2010 and FY 2011 as applicable)
01-Supreme Court Operations	PL	Judicial Branch Proposal	D-7	Drug Court Funding	354,805 50,000	396,567 75,000	751,372 125,000	GF SSR	3.00	4.00	To increase the public's trust and confidence in Montana courts	<ul style="list-style-type: none"> <li>Number of participants served by each drug court</li> <li>Number of participants successfully completing each drug court program</li> <li>Recidivism rate among participants while in program and after successful completion of program</li> </ul>
01-Supreme Court Operations	NP	Judicial Branch Proposal	D-7	Pro Bono Coordinator	23,411	76,902	100,313	GF	1.00	1.00	To provide equal access to justice	<ul style="list-style-type: none"> <li>Number of people assisted by attorneys in legal clinics</li> <li>Number of hours of free legal services provided by attorneys as reported to the State Bar of Montana</li> <li>Number of local bar association programs providing legal assistance to low-income people</li> </ul>
04-District Court Operations	PL	Judicial Branch Proposal	D-7	Additional District Court Judges and Support Staff	0	1,128,522	1,128,522	GF	0.00	20.00	To provide justice without unreasonable delay To provide excellence in service	<ul style="list-style-type: none"> <li>A court-based performance measurement system specific to case processing and court users' satisfaction is currently in development under the direction of the District Court Council</li> </ul>
01-Supreme Court Operations	PL	1005	D-12	Indigent Victims of Domestic Violence -- Spending Authority Increase	38,194	38,194	76,388	SSR	0.00	0.00	To provide equal access to justice	<ul style="list-style-type: none"> <li>Amount of fee money passed through to Montana Legal Services Association</li> <li>Number of legal issues involving indigent victims of domestic violence addressed by Montana Legal Services Association</li> </ul>
01-Supreme Court Operations	PL	1008	D-12	Rent Increase -- Park Avenue Building	4,631	7,022	11,653	GF	0.00	0.00	To provide excellence in service	<ul style="list-style-type: none"> <li>Number of monthly payments made in compliance with lease agreement</li> </ul>
01-Supreme Court Operations	PL	1010	D-12	ITSD Fixed Cost PL Adjustment	21,504 162,074	21,504 162,074	43,008 324,148	GF	0.00	0.00	To provide excellence in service	<ul style="list-style-type: none"> <li>Number of monthly payments made in compliance with fixed cost agreement</li> </ul>
01-Supreme Court Operations	NP	1001	D-12, D-13	Appellate Mediator and Support Staff	123,782	117,934	241,716	GF	1.50	1.50	To provide justice without unreasonable delay To provide excellence in service	<ul style="list-style-type: none"> <li>Number and percent of cases successfully mediated in-house compared to baseline data</li> <li>Number and percent of cases successfully mediate in-house compared to cases mediated by private attorneys</li> <li>Improvement in case processing performance measures compared to baseline data</li> </ul>
01-Supreme Court Operations	NP	1006	D-13	Self-Help Law Program (Restricted/Biennial)	252,500	252,500	505,000	GF	2.00	2.00	To provide equal access to justice	<ul style="list-style-type: none"> <li>Number of people assisted in the two full-time self-help law centers and their level of satisfaction for services received</li> <li>Number of people assisted in the part-time self-help law programs</li> <li>Number of forms made available to Montanans through the State Law Library website</li> </ul>
01-Supreme Court Operations	NP	6101	D-14	Fixed Cost Workers' Compensation Management Program Allocation	13,987	12,127	26,114	GF	0.00	0.00	To provide excellence in service	<ul style="list-style-type: none"> <li>Number of monthly payments made in compliance with state policy</li> </ul>